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FILED

DISTRICT COURT OF GUAM

MAR - 8 2007

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALVIN NASH QUINATA,

Defendant.

CRIMINAL CASE NO. 06-00024

**MOTION TO REQUIRE THE
DEFENDANT TO SUPPLY
EXEMPLARS OF HANDWRITING**

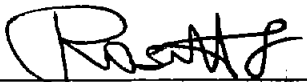
COMES NOW the United States of America, by its undersigned counsel, and moves this Honorable Court for an order directing that the defendant, ALVIN NASH QUINATA, be escorted to and from the Office of the Federal Bureau of Investigation (F.B.I.) to submit to exemplar testing and to furnish exemplars of his handwriting to agents of the Federal Bureau of Investigation, for comparisons with handwriting to be used during the preparation for and during the trial of the above case. The United States Supreme Court has stated that the Fifth Amendment privilege against self-incrimination offers no protection against compulsion to submit to fingerprinting, or against compulsion to write for identification. Schmerber v. California, 384 U.S. 757, 764 (1966). The Fifth Amendment protects only against compulsory production of testimonial evidence; it does not protect against compulsory production of real or physical evidence. Therefore, physical characteristics such as prints and handwriting are outside

1 the protection of the Fifth Amendment. Obtaining a handwriting exemplar is not a seizure
2 within the meaning of the Fourth Amendment. A person has no expectation of privacy in
3 handwriting because it is a physical characteristic which is constantly exposed to the public. So
4 long as the initial seizure of the person is reasonable, compelling production of a handwriting
5 exemplar is permissible. See United States v. Mara, 410 U.S. 19 (1973).

6 DATED this 8th day of March, 2007.

7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and NMI

10 By:


11 ROSETTA L. SAN NICOLAS
12 Assistant U.S. Attorney
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